

**STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE**

In the Matter of  
ABS Consulting Company

**CEASE AND DESIST ORDER**

TO: ABS Consulting Company  
c/o Troy Harris  
527 Marquette Ave S  
Minneapolis MN 55402

Alleged Email Addresses: [info@absconsultincompany.com](mailto:info@absconsultincompany.com)  
[rental@absconsultingcompany.com](mailto:rental@absconsultingcompany.com)  
[resale@absconsultingcompany.com](mailto:resale@absconsultingcompany.com)

Minnesota law prohibits any person from acting or holding himself, herself or itself out as real estate licensees without a valid real estate license issued by the Commissioner of Commerce (“Commissioner”) as required by Minn. Stat. §82.81, subd. 1 (2012). Minnesota law further prohibits any person from offering or selling an interest in subdivided land in this state unless the interest is registered pursuant to Minn. Stat. §83.23 subd. 1 (2012) or the transaction is exempt from registration pursuant to Minn. Stat. §83.25 (2012). Additionally, Minnesota law prohibits the advertising of properties in any manner that is misleading or inaccurate and the making of any material misrepresentations pursuant to Minn. Stat. §82.81 subd. 12(8) (9) and §325F.67 (2012).

1. Respondent ABS Consulting Company (“ABS”) does not hold a license issued by the Minnesota Department of Commerce (“Department”).
2. The Department found that ABS does not hold a license issued by any other state.

3. According to timeshare property owners who received documentation from ABS and were contacted by individuals purporting to represent ABS, ABS does business at 527 Marquette Avenue South, Minneapolis Minnesota 55402. A Department employee spoke with the leasing company for 527 Marquette Avenue South Minneapolis Minnesota and while the address belongs to the Rand Tower, ABS is not a current tenant of the building and has never been a tenant of the building. This was further confirmed by a U.S. Postal Inspector who indicated that its mail carrier has received mail for ABS, but there is no place to deliver it. The mail carrier asked the manager of the building about ABS and the manager had no idea who the company was and told the Postal service that the company is not in the building.

4. In January 2013, the Department opened an investigation of ABS after receiving information from several Colorado residents who had been contacted by ABS concerning the potential sale of their timeshare properties.

5. ABS's website indicates that it has multiple locations allowing direct contact with/between vacation property buyers, sellers and renters in addition to providing direct agent representation for buyers and sellers. Its website also states that the management team at ABS is comprised of "experienced, driven professionals" and in its nine years of operation, it has proven to be one of the top leaders in sales of timeshare properties worldwide.

6. Using contact information provided on ABS's website, the Department made several attempts through the U.S. mail and by email to contact ABS to obtain information. Email sent by the Department to ABS did not bounce back. The request sent to ABS by U.S. mail was returned as "Return to Sender Attempted – Not Known." ABS has failed to respond to the Department's demand for information.

7. ABS has conducted business within Minnesota without making legally required business filings with the Minnesota Secretary of State pursuant to Minn. Stat. Ch. 302A or Ch. 303.

8. Several complaints have been filed against ABS from individuals across the United States and Canada with the Federal Trade Commission (“FTC”) as well as the Better Business Bureau of Minnesota and North Dakota (“BBB”).

9. The Department’s investigation revealed that while ABS maintains a website which indicates they are trained timeshare professionals with a proven track record in selling and renting timeshares, no evidence could be found to verify these assertions.

10. ABS has engaged in unlicensed real estate sales activity in violation of Minn. Stat. §82.81 subd. 1 (2012).

11. ABS has engaged in misleading and inaccurate advertising in violation of Minn. Stat. §82.81 subd. 12 (8) and §325F.67 (2012).

12. ABS has made material misrepresentations in violation of Minn. Stat. §82.81 subd. 12 (9) (2012).

13. ABS has demonstrated untrustworthiness in violation of Minn. Stat. §82.82 subd 1(f) and 45.027 subd. 4 (2012).

This Order is in the public interest.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, pursuant to Minn. Stat. §45.027 subd. 5a (2012) that ABS shall cease and desist from engaging in fraudulent activity and unlicensed activity of any kind in violation of Minn. Stat. Ch. 82. This Order is effective immediately.

Pursuant to Minn. Stat. §45.027 subd. 5a (2012), ABS may request a hearing in this matter. Such a request shall be made in writing and served upon the Commissioner. The Commissioner shall then set a date for hearing within 10 days after receipt of a request, unless ABS and the Department by agreement waive the 10-day time period. If no hearing is requested by ABS within thirty (30) days of service of this Order and none is ordered by the Commissioner, this Order will become permanent and will remain in effect until modified or vacated by the Commissioner.

In the event a hearing is requested, this Order will remain in effect until it is modified or vacated or made permanent by further order of the Commissioner under Minn. Stat. §45.027 subd 5a (2012). The administrative proceeding provided by Minn. Stat. §45.027 subd. 5a (2012) and subsequent appellate judicial review of that administrative proceeding, constitutes the exclusive remedy for determining whether the Commissioner properly issued this Order and whether this Order should be made permanent. The Commissioner reserves the right to seek appropriate remedies including fines, civil penalties and costs associated with our investigation of this matter.

Notwithstanding Minn. Stat. §45.027 subds. 5 or 5a (2012), if ABS requests a hearing under Minn. Stat. §45.027 subd. 5a (2012), ABS may, within fifteen (15) days after service of this Order, bring an action in Ramsey County District Court for an injunction to suspend enforcement of this Order pending a final decision of the Commissioner under Minn. Stat. §45.027 subd. 5a (2012), to vacate or make permanent this Order. The Court shall determine whether to issue such an injunction based on traditional principles of temporary relief.

In the event a hearing is requested in this matter, it will be held before an Administrative Law Judge to be appointed by the Chief Administrative Law Judge for the State of Minnesota,

Office of Administrative Hearings, Harold E. Stassen Office Building, State Capitol Complex, 600 North Robert Street. St. Paul, Minnesota 55146. All parties have the right to represent themselves or be represented throughout the proceedings herein by legal counsel or a person of their choice if not otherwise prohibited as the unauthorized practice of law.

The contested case proceedings are conducted under the Minnesota Rules of Professional Conduct and the Professional Aspirations adopted by the Minnesota State Bar Association. The hearing will be conducted under the contested case procedures as prescribed in accordance with Minn. Stat. Ch. 14 and the Rules of the Office of Administrative Hearings, Minn. R. 1400.5100-1400.8401 (2011).

This Order shall be effective upon signature on behalf of the Commissioner.

Dated: 5-28-13.

By:



MIKE ROTHMAN  
Commissioner

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St. Paul, Minnesota 55101  
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